

REMARKS

Applicants' attorney thanks the Examiner for her comments. Independent Claims 1 and 41 have been amended to recite the single layer absorbent structure lies flat in a dry state, as supported on page 9, lines 1-5, for example. Independent Claims 1, 17, 30, 41, 42 and 43 have been amended to recite the absorbent structure comprises a polyurethane foam, as supported on page 17, line 30 to page 18, line 2, for example. Dependent Claims 3, 25, 32 and 35 have been amended for consistency with the corresponding independent claims.

New dependent Claims 44 and 45 recite the absorbent structure lies flat in a dry state, as supported on page 9, lines 1-5, for example. New dependent Claim 46 recites the absorbent structure comprises a polyurethane foam, as supported on page 17, line 30 to page 18, line 2, for example.

Page 2 of the Office Action states Claims 11 and 12 have been rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) based on Suzuki, but page 5 of the Office Action proceeds to refer to Carlucci in the rejection. Citing to a second reference in this rejection is improper. Applicants respectfully request in this Patent Application 1) prosecution to be reopened, 2) this Amendment entered into the record and considered by the Examiner, and 3) the next Office Action on the merits (if any) to be non-final.

No new matter has been added with this amendment. No additional claim fee is due at this time as the number of independent claims and the total number of claims remains less than previously paid for.

Telephone Interview Summary

Applicants' Attorney, John Poliak, thanks Examiner Hand for her comments and courtesies extended during the 17 December 2007 telephone interview in the subject case. The rejections of the 28 November 2007 Office Action and a proposed claim amendment were discussed.

The Examiner indicated that Suzuki does not disclose a polyurethane foam and the proposed amended claims likely overcomes the rejection based on the cited references. No agreement was reached regarding allowable subject matter. The Examiner indicated that she is likely to reopen prosecution based on citing Suzuki and Carlucci in the combined anticipation/obviousness rejection. The Examiner noted the 15 July 2006

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Restriction Requirement in this Patent Application and indicated that she may review this item.

Claim Rejection Based on 35 U.S.C. § 102 and 35 U.S.C. § 103

The rejection of Claims 1, 3, 7-15, 17, 20-22 and 24-26, 28-29 and 38-43 based on 35 U.S.C. § 102(b) or in the alternative based on 35 U.S.C. § 103(a) as being anticipated by or obvious over the English translation of Suzuki, JP 2003-033381, is respectfully traversed.

Applicants have amended the single-layer absorbent structure of independent Claims 1 and 41 to recite the absorbent structure comprises polyurethane foam that lies flat in a dry state. In contrast, Suzuki on page 1 states "the level difference (A) of the concave heights at the time of said un-absorbing water being 0.2mm - 2.0mm." FIGS. 1-2 and 4 of Suzuki show the un-absorbing water condition having a U-shaped structure forming anti-leak barriers. FIGS. 3 and 5 of Suzuki in a wetted condition show expanded taller and thicker members to form larger anti-leak barriers. Suzuki requires some additional thickness on the sides to form the protruding parts and expand when wet. Thus, the sheet like absorber of Suzuki does not lie flat in a dry state.

Furthermore, Suzuki requires two layers to form the sheet-like absorber since "the laminating of the Q sheet which supports P sheet ...is further fixed to it." (Top of page 2). In contrast, independent Claims 1 and 41 comprise a single-layer absorbent structure.

Regarding Claims 11 and 12 on page 5 of the Office Action, the rejection based on Suzuki and Carlucci is improper, as stated above.

Accordingly, Applicants' recited single-layer absorbent structure that lies flat in a dry state is not disclosed or suggested by Suzuki.

Regarding independent Claims 1, 17, 41, 42 and 43, the absorbent structure comprises a polyurethane foam. Suzuki is silent regarding the term polyurethane and the term foam. Page 2, paragraph 0013 lists materials for the P sheet but does not disclose polyurethane foam.

Accordingly, Applicants' recited second layer comprising a polyurethane foam is not disclosed or suggested by Suzuki.

For at least the above reasons, Applicants' recited claims are not disclosed or suggested by Suzuki. Accordingly, this claim rejection should be withdrawn.

Claim Rejection Based on 35 U.S.C. 103

The rejection of Claims 8, 18, 19 and 30-36 based on 35 U.S.C. § 103(a) as being obvious over Suzuki, is respectfully traversed. Claim 8 depends from independent Claim 1 and Claims 18 and 19 depend from independent Claim 17. Claims 8, 18 and 19 are patentable for at least the reasons discussed above.

Regarding independent Claim 30, the absorbent structure recites a polyurethane foam. As discussed above, Suzuki is silent on the term polyurethane and the term foam. Suzuki does not teach or suggest all the claimed limitations. Accordingly, this claim rejection should be withdrawn.

Claim Rejection Based on 35 U.S.C. 103

The rejection of Claims 27 and 37 based on 35 U.S.C. § 103(a) as being obvious over Suzuki in view of Carlucci, European Patent Application 0804915, is respectfully traversed. Claim 27 depends from independent Claim 17 and Claim 37 depend from independent Claim 30. Claims 27 and 30 are patentable for at least the reasons discussed above.

Carlucci does not close the gaps of Suzuki to arrive at Applicants' claimed invention. Regarding polyurethane foam, Carlucci is silent regarding polyurethane foam. For at least the reasons discussed above, Suzuki and Carlucci, in combination, do not teach or suggest Applicants' recited claims. Accordingly, this claim rejection should be withdrawn.

Conclusion

Applicants believe that the claims, as presented, are in condition for allowance. If the Examiner detects any unresolved issues, then Applicants' attorney requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



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